

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

**THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,**

as representative of

**THE COMMONWEALTH OF PUERTO
RICO, et al.,**

Debtors.¹

**PROMESA
Title III**

No. 17 BK 03283-LTS

(Jointly Administered)

In re:

**THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,**

as representative of

**THE EMPLOYMENT RETIREMENT
SYSTEM OF THE COMMONWEALTH OF
PUERTO RICO ("ERS"),**

Debtor.

**PROMESA
Title III**

No. 17 BK 03566-LTS

NOTICE OF APPEAL
TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); (iii) Puerto Rico Highways and Transportation Authority (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Puerto Rico Sales Tax Financing Corporation (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); and (v) Puerto Rico Electric Power Authority (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as bankruptcy case numbers due to software limitations).

TO THE HONORABLE COURT:

NOTICE is hereby given that the Individual Plaintiffs, the Estate of Pedro José Nazario Serrano; the Estate of Juanita Sosa Pérez²; Joel Rivera Morales; María de Lourdes Gómez Pérez; Héctor Cruz Villanueva; Lourdes Rodríguez and Luis M. Jordán Rivera, all of them Retirees/Beneficiaries of the ERS and Plaintiffs in a State Court claim for damages (the “Commonwealth Action”) that is currently pending in the Commonwealth of Puerto Rico Court of First Instance, San Juan Part with number K AC2011-1067 (the “Commonwealth Court”), hereby appeal to the United States Court of Appeals for the First Circuit the “*Memorandum Opinion and Order Granting the Motion to Enforce the Plan*” (Docket No. 22927), entered in the above-captioned case on November 29, 2022. Copy of the memorandum is attached hereto. On December 13, 2022 a Motion for Reconsideration was filed by the appearing ERS beneficiaries. (Docket No. 23058). Said motion was denied on January 26, 2023 by means of the “*Order denying Motion for Reconsideration under Bankruptcy Rule 9023*”, which is also attached hereto. (Docket No. 23399).

The parties to the Judgement appealed from and the names and addresses of their respective attorneys are as follows:

- Movant: UBS Financial Services Incorporated of Puerto Rico:

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²Pedro José Nazario and Juanita Sosa Pérez are deceased. Once their respective declaration of heirs is available, we will make the substitution.

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- Co-Movants Drivetrain LLC in its capacity as the Trustee of the Commonwealth Avoidance Actions Trust; and the Official Committee of Unsecured Creditors

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- Objectors: The Estate of Pedro José Nazario Serrano; the Estate of Juanita Sosa Pérez³; Joel Rivera Morales; María de Lourdes Gómez Pérez; Héctor Cruz Villanueva; Lourdes Rodríguez and Luis M. Jordán Rivera, all of them Retirees/Beneficiaries of the ERS and Plaintiffs in a State Court claim for damages (the “Commonwealth Action”) that is currently pending in the Commonwealth of Puerto Rico Court of First Instance, San Juan Part with number K AC2011-1067 (the “Commonwealth Court”).

³Pedro José Nazario and Juanita Sosa Pérez are deceased. Once their respective declaration of heirs is available, we will make the substitution.

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THEREFORE, the ERS Individual Plaintiffs respectfully request this Honorable Court to take notice.

WE HEREBY CERTIFY: That on this same date a true and exact copy of this motion was filed with the Clerk of Court using CM/ECF system, which will notify a copy to counsel of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 24 day of February 2023.

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